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COMMISSION DES AFFAIRES ETRANGERES ET DE SECURITE

Sous-commission "Droits de l'homme"

Délégation pour les relations avec les pays
membres de l'ANASE et la République de Corée (OIPA)

Communication aux membres

Objet : Timor oriental

Les membres trouveront en annexe, pour information, un exemplaire du rapport d'Asia Watch sur le "Massacre du 12 novembre", en vue de l'audition publique sur le "Respect des droits de l'homme au Timor oriental". Le texte est uniquement disponible dans la langue originale, l'Anglais.

DIRECTION GENERALE DES COMMISSIONS
ET DELEGATIONS

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EAST TIMOR: THE NOVEMBER 12 MASSACRE AND ITS AFTERMATH

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EAST TIMOR: THE NOVEMBER 12 MASSACRE AND ITS AFTERMATH

1. Introduction

On November 12, 1991 in Dili, the capital of East Timor, anywhere from 75 to 200 people are estimated to have been killed when Indonesian troops opened fire on a demonstration. The demonstrators were calling for the independence of East Timor, the former Portuguese colony of some 700,000 people on the eastern half of the island of Timor, off the north Australian coast.[1] As of mid-December, the situation in East Timor remained tense with hundreds of people still not knowing whether their missing relatives were detained, in hiding, or dead. One local source reported that the atmosphere of fear and terror was worse than at any time since the 1975 invasion. There were reports of ongoing arrests and killings, but no international commission of inquiry had been put together to investigate them. Even a month after the massacre took place, the need for such a commission remains urgent. In this report, Asia Watch evaluates conflicting versions of the massacre and its aftermath and recommends measures which governments could take to try to ensure that the violence is stopped, a thorough inquiry is undertaken and those responsible for the killings are brought to justice.

2. Lead-up to the Demonstration

The political atmosphere in Dili had been highly charged in the months leading up to the planned visit of the Portuguese parliamentary delegation, and became even more so in the weeks just prior to its scheduled November 4 arrival. In an interview published in the Portuguese newspaper, *Publico*, on October 22, Bishop Carlos Ximenes Belo, the outspoken bishop of Dili, said that Indonesian authorities were warning East Timorese not to take part in demonstrations or say anything to members of the delegation; if they did, they would be killed after the deputies left. Belo called for an international force to monitor the situation after the delegation left. Other sources have reported widespread intimidation of the populace prior to the visit.

At the same time, it was clear that those active in the resistance movement in East Timor, consisting not only of the armed Frente Revolucionaria de Timor Leste Independente, or Fretilin, but the two other pre-1975 political parties as well, had been planning to use the Portuguese visit as a way of demonstrating their opposition to Indonesian rule in full view of the international media.

As it turned out, the delegation's visit was "suspended" by the Portuguese government

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[1] After the Portuguese withdrawal from the colony in 1975 and a brief civil war, the political party Fretilin (Frente Revolucionaria de Timor Leste Independente) took power. It declared independence on November 28, 1975; just over a week later, on December 7, Indonesia mounted a massive invasion. Some 100,000 people are believed to have died from war-related causes, including famine, over the next few years. Indonesia unilaterally annexed East Timor as its 27th province in 1976, after a puppet local parliament voted for "integration" of East Timor with Indonesia. The United Nations does not recognize that vote as a genuine act of self-determination and continues to regard East Timor as a "non-self-governing territory" under the administration of Portugal.

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on October 26, after the Indonesian side refused to allow an Australian journalist, Jill Jolliffe, to take part in the Portuguese press contingent, calling her a "Fretilin crusader." Many sources say the decision not to come left many of the young activists in Dili feeling frustrated and exposed. They decided, these sources say, to use the visit of Pieter Kooijmans, the United Nations Special Rapporteur on Torture who planned to visit East Timor on November 10-12 as the focal point for a demonstration. If the resistance could not use the Portuguese parliamentarians and accompanying journalists to get their message across, it would focus on another international figure.

But the day after the suspension of the Portuguese visit was announced, October 27, the situation took a sudden turn for the worse. A mass had taken place as usual that Sunday at the San Antonio church in the Motael area of Dili, a church which had been used as a refuge by some activists since a wave of arrests in October-November 1990. About midnight, according to one source, the sound of motorcycles began to be heard; by 1 a.m. on October 28, a group of Timorese on motorcycles in civilian clothes were riding by the church, throwing stones and shouting insults. It was as if the church were under attack, according to one observer. Some of the youths living in the church went outside to fight the cyclists. A fight broke out, and shortly after 2 a.m., soldiers and police arrived, fully armed, then reportedly opened fire and stormed the church. One of the resistance activists, Sebastiao Gomes Rangel, 18, was shot dead just outside the church. One of the men on the other side, part of what one witness called the "assault force" on the church, was stabbed to death. His name was Afonso Henrique, 30, who was married with four children. At least two other participants in the clash are said to have been seriously wounded when the military opened fire.

The security forces then entered the church and took away 40 youths for questioning. Of these, 18 were kept in custody (no one from the "assault force" is known to have been arrested and it is widely believed that the motorcyclists were working in tandem with the military in a planned attack on the church.) As of the end of November, some seven remained in a police lock-up in Dili.

Soldiers also began searching the church and the homes of church staff, finding what they said were anti-government documents, Fretilin banners, knives, Portuguese flags and brochures.[2] Church sources said all of the material confiscated was found not in the church itself but in the home of domestic staff on the church grounds.

The assault on the church was reported on Indonesian television news later on October 28 with the broadcaster saying that two people had been beaten up and killed by "anti-integration" youth. Governor Mario Carrascalao was quoted in the Jakarta newspaper, *Berita* Buana, as saying youths against integration had hit "passers-by who backed East Timor becoming part of Indonesia. 'I think they wanted to show their disappointment. They are frustrated because the Portuguese did not come to visit.'"[3] The government version accused the

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[2] Antara News Agency dispatch, October 30, 1991, reported in Foreign Broadcast Information Service EAS-91-211, October 31,1991 p.24.

[3] Reuters, October 29, 1991, quoting *Berita Buana* of same day.

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youth inside the church of "initiating the brawl"[4] and later indirectly blamed the church for harboring political activists. An army spokesman in Jakarta, Brigadier General Nurhadi Purwosaputro, said on October 30 that the military was investigating links between the Catholic church in Dili and Fretilin.[5] Bishop Belo, who arrived on the scene of the shooting at the Motael church shortly after it happened, condemned the military action and said of the army, "They are treating our church like the enemy."[6]

The Bishop later gave his own account of the incident in a letter he sent to Portugal; his account is appended as Appendix 1.

The November 12 massacre occurred following a mass to commemorate a period of 14 days after the funeral of Sebastiao Gomes Rangel who was buried in the Santa Cruz cemetery on October 29.

3. The Massacre

All versions of the massacre more or less agree on the basic chronology of November 12. At about 6 a.m. people began gathering for a mass at the Motael Church which had been announced over the radio. When the mass was over, they began to march down the street carrying pro-independence banners and flags. When they reached the district military command, it is not clear whether one group planned to turn toward the Hotel Turismo where UN Special Rapporteur on Torture Pieter Kooijmans was staying, but in any case, the way was blocked by security forces and the marchers turned the corner to head for the Santa Cruz cemetery. It was at this point that a scuffle took place between a small number of demonstrators and security forces in which two soldiers were stabbed. The marchers proceeded on to the Santa Cruz cemetery to lay flowers on the grave of Sebastiao Gomes. A large group of demonstrators were already waiting outside the cemetery for the marchers to reach them. After the two groups had joined and people were milling about in and around the cemetery, some of them standing on the cemetery walls and shouting slogans, additional troop reinforcements arrived. Their arrival, about 8:00, apparently caused some panic on the part of the demonstrators, some of whom ran out of the cemetery to the streets. Troops opened fire and killed a still unknown number of people. Most estimates range between 75 and 100. Bishop Belo estimated that 180 were killed, and some estimates were over 200.

4. The Public Accounts

The killings have sparked two very different public versions of events. Foreign eyewitnesses, all of whom were at or near the Santa Cruz cemetery when Indonesian troops opened fire, report that a peaceful march to commemorate the death of a pro-independence activist, Sebastiao Gomes, had ended at the cemetery and people were milling about when, without warning or provocation, Indonesian troops began shooting into the crowd. The

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[4] Antara, op.cit.

[5] Reuters, October 30, 1991.

[6] Reuter, October 29, 1991.

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Indonesian government version is that elements of Fretilin, the armed independence organization, deliberately organized a mass political demonstration using the pretext of a mass for Gomes to do so, stabbed an Indonesian army officer, then lobbed a hand grenade into the crowd, causing the Indonesian army to open fire in self-defense.

The Indonesian version, with numerous variations depending on which government official or army officer is speaking, seems to be based on a single, detailed report prepared shortly after the shooting took place. Asia Watch has appended a translation of key excerpts from this report as Appendix 2.[7] The report appears to be from the perspective of someone who was gathering facts from subordinates; it is not an eyewitness account. We have obtained one eyewitness account in a mixture of Tetun and Portuguese from an East Timorese, a member of the resistance, who took part in the demonstration; the account has not been made public. No soldier who was in the units which did the shooting has come forward to say why the troops opened fire. This leaves the only public sources as foreign eyewitnesses, whom the Indonesian government has tried to discredit because they were journalists traveling on tourist visas and therefore flouting Indonesian laws, and the anonymous official report which reconstructs which troops moved where and why. There is also the crucial visual evidence in the form of a videotape shot by Yorkshire television in the cemetery during and just after the shooting.

The original official account has been distorted as it is repeated by officials increasingly further in distance and rank from the soldiers who did the shooting. The ultimate distortion was Commander of the Armed Forces General Try Sutrisno's statement on November 27 before a parliamentary hearing: "It was a dangerous mob and forced the soldiers to take strong measures... [Foreign reports] said it was a peaceful demonstration. What peaceful demonstration? It's bullshit..."[8].

If the original account is compared with eyewitness reports, however, it becomes clear that it is possible for many of the allegations in the Indonesian version to be true without in any way discrediting the eyewitnesses or lessening the culpability of the Indonesian army for excessive use of force, at best, or deliberate execution of civilians, at worst. The Indonesian version makes the following points:

a. The demonstration was planned by GPK (the Indonesian acronym for "gang of security disturbers", a catch-all phrase for independence supporters) to take place during a visit by Portuguese parliamentarians scheduled for November 4. When the visit was "suspended" by the Portuguese government, activists decided to focus the demonstration around the visit of Kooijmans and used a memorial mass for Sebastiao Gomes as the pretext.

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[7] These excerpts were included in a longer report by Foreign Ministry staff on the visit of United Nations Special Rapporteur Pieter Kooijmans. Kooijmans was in Dili when the shooting took place but left the next day. He was briefed on the incident by Brig. Gen. Rudolf Warouw, commander of East Timor and by Governor Mario Carrascalao. The report itself was prepared after Kooijmans left Jakarta on November 16, but the excerpts on the November 12 incident appear to have been prepared on or about the same day it happened. Because of the information they contain about troop movements, these excerpts were probably prepared by BAIS, one of the four agencies involved in the liaison team for the Kooijmans visit, or by Warouw's office.

[8] Reuters, November 27, 1991

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On this point, the Indonesian interpretation seems largely correct. Sources in Dili confirm that the demonstration was planned for the Portuguese visit, that young people had gone to great risk to make banners and other preparations, and that elements of Fretilin were involved in the reorganizing of the protest for November 12 to coincide with the visit of UN Special Rapporteur on Torture, Pieter Kooijmans. It is also clear that large numbers of East Timorese took part spontaneously, especially as the mass for Gomes was announced over the radio, according to Governor Mario Carrascalao in an interview with *Kompas*, the Jakarta daily, on November 16 as well as other sources.

It may have indeed been disingenuous for some press accounts to suggest, as some did, that the march was nothing more than an outpouring of sympathy for a youth killed by Indonesian forces two weeks earlier. But whether the march was planned long in advance or not, whether Fretilin had any role in organizing it, is ultimately irrelevant to the use of force by Indonesian troops. The only relevant question is whether the marchers posed a security threat to Indonesian troops, and as will be seen below, there is no evidence to suggest they did.

b. The brutality of the marchers and their violent intent was demonstrated when they stabbed Major Gerhan Lantara, deputy commander of Battalion 700 and an East Timorese soldier, Private Dominggus. They also threw stones at the Dili branch of Bank Summa (owned by a prominent Chinese financier) and at the old police station (Polwil Lama).

The East Timorese who wrote down his account of the demonstration says that he himself witnessed the stabbing of the Timorese soldier. The incident took place in a scuffle in front of the district military command (KODIM No.1627) as security forces tried to take banners and posters away from a group of marchers. He says a "hot-blooded" demonstrator, angered by the soldier's actions as well as by the fact that he was a Timorese working for the Indonesian military, pulled a knife and stabbed him.

We have as yet no eyewitness accounts for the stabbing of Major Gerhan, but the Indonesian account charges that it took place in the same scuffle. A local government official in East Timor was quoted in the Jakarta newsweekly *Editor* as saying Gerhan was stabbed only after he slapped a woman marcher. An official account, published in the newspaper *Jayakarta*, noted that the officer was wearing civilian clothes at the time, suggesting he may have been in intelligence.[9] Even if the Indonesian account is accurate, these knifings took place almost an hour before the troops opened fire and in a very different part of Dili. (The Indonesian report says the stabbing occured at 7:20, the shootings at 8:10). The troops present when the firing started were from different military units than Major Gerhan, and it is not even clear that they knew about the stabbing. If they did not, then the knifing cannot have "provoked" them to shoot; if they did know and they deliberately opened fire in retaliation, then shooting on the crowd is not so much responding to provocation as wreaking vengeance, and the deaths are still wholly inexcusable.

c. When troop reinforcements arrived at the cemetery and some of the thousands gathered there tried to run out, a stray shot rang out and someone lobbed a hand grenade that did not explode into the crowd. The army was convinced it was under attack and opened fire.

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[9] *Jayakarta*, November 28, 1991.

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First, if the army command knew its troops would be confronting thousands of people they wished to disperse, they should have been equipped with tear gas, not guns. There have been enough demonstrations in East Timor in recent years, and enough expectation of a major one during the Portuguese parliamentary visit, that a supply of non-lethal methods of crowd control should have been an elementary precaution. Since the Indonesian report acknowledges that officials believed such a mass demonstration was planned, the fact that they sent troops with guns shows either a deliberate decision to use force or incompetence of the highest order.

Second, none of the eyewitnesses can recall hearing a single shot before the volley of gunfire started. If there were such a shot, it is far more likely to have come from one of the hundreds of armed soldiers than from the crowd at the cemetery whom eyewitnesses attest had no firearms of any kind. The same Indonesian report, indeed, which mentions the shot, notes that it was impossible to tell where it came from or who fired it.

The report of the hand grenade is also misleading. The official report says, "A hand grenade was thrown in the direction of officials." It does not say where; the implication was that it was in the middle of the crowd by the cemetery. But according to the Associated Press, Bishop Belo in a letter on November 18 indicates that someone lobbed a grenade at the local police station, not in the midst of troops at the cemetery. There have been no other reports to substantiate the grenade-throwing at all. Certainly the Indonesian version does not justify the army's plea of self-defense.

The Indonesian version has become wildly distorted in subsequent statements by officials, however. The army spokesman, Brig. Gen. Nurhadi Purwosaputro was quoted in the November 23 issue of *Tempo* as saying of the demonstrators, "They just charged like that, throwing grenades." And a statement issued by the Indonesian embassy in Washington, DC on November 17 says, "Instead of responding positively to the appeal [no indication of what appeal] and persuasion of the police and security officers, the crowd became even more violent and started to attack the police and security officers, resulting in the death of a security officer." No such death occurred.

Another explanation for why the troops opened fire, quickly abandoned by officials perhaps because it acknowledged fallibility, was that a junior officer shouted "Don't shoot," and the order was misinterpreted for its opposite. "It was a misunderstanding by the soldiers, and they shot because of the tension," General Warouw was quoted as saying. He said at the same time that there would be no courts martial.[10] Such a "mistake" would at least explain why eyewitnesses reported the methodical way in which the troops took aim and fired, at odds with a situation of mayhem or pandemonium that might lead a trigger-happy soldier to shoot. The alternative, of course, is that someone very deliberately gave orders to shoot to kill.

One question is why the firing apparently went on for so long. General Warouw, in an interview on November 19, acknowledged that the soldiers could have fired for up to ten minutes but said he did not think ten minutes was too long.[11]

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[10] *The Guardian* (London), November 15, 1991

[11] *Washington Post*, November 21, 1991.

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d. Various weapons, including three hand grenades, a Mauser pistol and a shotgun were found in the cemetery, indicating the crowd was armed.

Weapons are easy to plant, and there has been no evidence brought forward thus far by the Indonesian government to indicate when or by whom the guns and grenades were left in the cemetery, if indeed they were. But even if Indonesian soldiers searching the cemetery after the massacre did find the arms, one could not conclude that therefore the marchers intended violence or that it was not a peaceful march. The shooting took place before the arms were found; there can be no justification for opening fire based on what was found after the killings had already taken place.

5. Troop Movements

From the Indonesian account, it is clear that there were security forces already stationed at Santa Cruz cemetery. As the crowd grew larger, reinforcements were called in, with one platoon from the mobile police brigade (Brimob) and one company each from army battalions 303 and 744, both combat units normally stationed outside Dili.[12] One interesting question is who ordered that those reinforcements be sent in, since according to the Indonesian account, they were not called until 7:50, by which time General Warouw was presumably already in his meeting with Professor Kooijmans.

According to eyewitness accounts, there were hundreds of armed troops following behind the marchers. It was after the marchers were already at the cemetery that the reinforcements arrived. The Brimob troops arrived in two open vans; they carried batons and riot shields but not all had guns. The two army companies, however, were not only armed, but the names on their jackets were covered over, according to one source. They were reportedly followed by an open van filled with a "garnezun" or garrison patrol --that is, soldiers stationed in the local KODIM -- in camouflage uniforms, white helmets and yellow shoulder insignia. It was this last group which opened fire, according to one account Asia Watch received, and the other troops, including from Battalion 303, joined in. Allan Nairn, however, a writer for the *New Yorker* who was one of the eyewitnesses to the massacre, says that troops wearing dark brown uniforms were the ones who systematically and deliberately took aim and opened fire on the demonstrators.

In late November, General Try Sutrisno ordered Battalion 303 immediately withdrawn from Dili but said the withdrawal should not be construed as wrongdoing. Battalion 303, from the Army Strategic Reserve Command (KOSTRAD), was said to consist of 544 persons altogether. It was responsible for territorial operations in Sector C of East Timor, encompassing the city of Dili. It was also announced that the commander of Sector C troops, Binsar Aruan, would be changed.[13] The newsweekly *Tempo* on December 7 also reported that Battalion 700 from Ujung Pandang, Sulawesi, had returned to barracks.

6. The Immediate Aftermath

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[12] *Tempo*, December 7, 1991. *Tempo* reported that both units operated in Sector B, the area covering Ainaro, Bobonaro and Manututo.

[13] *Jayakarta*, November 28, 1991. Sector A comprises the eastern part of East Timor and Sector B, the area around Same. See also *Tempo*, December 7, 1991.

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No explanation, however questionable, about how or why the shooting started can adequately justify what happened in the aftermath of the killings:

--the Yorkshire videotape clearly shows soldiers in green fatigues bending over and beating people with sticks and rifle butts.

--by the Indonesian government's own estimate, some 300 people were arrested immediately after the shootings.[14] All accounts, including that of Governor Carrascalao, say people were rounded up in trucks; an Asia Watch source says that people were taken to the district and regional police commands and the regional and district military commands (Polres, Polwil, Korem and Kodim). So many people were arrested that according to one report, the wounded were fearful of seeking medical treatment for fear it would lead to arrest. One man interviewed was in a group of some 200 taken to the West Dili police station (Polres Comorro) and held until 19:00 when the village head came to identify him. Others were held for almost two weeks at the Polwil; the Indonesian government says 42 remain in detention at the Polwil and KODIM. Asia Watch is concerned for the welfare of all those in custody in connection with the demonstration, as torture during interrogation is routinely practiced by Indonesian security forces.

--roadblocks set up by the military prevented the wounded from reaching the hospital in time. It reportedly took the ICRC vehicle carrying the severely wounded New Zealand citizen, Kamal Bamadhaj, some 20 minutes to get to a hospital in what should have been a five minute trip, because of these barricades.

--bodies of the dead were apparently buried immediately without attempts to identify the dead or inform the families.[15] Families in some cases were afraid to ask about their relatives for fear of being arrested and interrogated themselves. To our knowledge, no final list of the dead has been compiled, and many families are unaware of the fate of their relatives.

--despite repeated requests, the ICRC was not able to hold confidential interviews with prisoners or the wounded in the Wirahusada military hospital in Lahane until November 25, almost two weeks after the shooting. (All of the wounded who sought treatment at the civilian hospital, Toko Baru, immediately after the shooting were forcibly transferred to the military hospital. The Toko Baru hospital was much closer to the Santa Cruz cemetery than the military hospital.) They were then able to visit 89 patients and speak to 32 in private. In a blatant untruth, General Try Sutrisno told a group of 30 editors summoned to the Defense Ministry to discuss reporting on East Timor that the ICRC had no difficulties visiting the victims of the November 12 incident.[16] The ICRC, however, reportedly continued to encounter obstructions and restrictions even after November 25.

-- There is a strong likelihood of further arrests. General Warouw was quoted by

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[14] Figures range from 280 to 308. The latter was used by Maj. Gen. Sintong Panjaitan in an article in *Jawa Pos*, November 16, 1991.

[15] *Reuters*, November 15, 1991

[16] *Jawa Pos*, November 16, 1991

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Associated Press as saying, "Quite a lot of wounded would be questioned as soon as they are well in order for us to determine whether they are involved in the incident or not."[17]

--traces of the shootings at the cemetery were reportedly cleaned up almost immediately, making it difficult for any investigative team to determine the exact circumstances of the killing.

7. The Death Toll

The Indonesian figure given in the original report which Asia Watch obtained was 20 dead and 91 wounded. That seemed to have been based on a hasty, on-the-spot assessment which was never updated to include those who died of their wounds. It was later amended to 19, far below independent estimates ranging from 75 to over 200.

The East Timorese account gives at least one plausible explanation for how the figure 19 was arrived at. He says 19 bodies were buried in Hera, the area on the northeastern shore of Dili, on November 13 and 14, including Kamal Bamadhaj, the New Zealand citizen who was killed. According to that account, 13 bodies including those of two women were buried on November 13 and five, including those of Kamal, one woman and four men, the following day. It may be that there are only 19 bodies the army can readily account for, having, according to still unconfirmed reports, dumped others near Tasitolu on the northwestern shore and in the Faiduma area of a village called Tibar. The latter site was visited by an Australian journalist, Dennis Schultz.

Maj. Gen. Sintong Panjaitan, commander of the Ninth Regional Command (IX/Udayana) said that those who died were buried in a religious ceremony in Hera after families had been given the chance to view the bodies for three hours prior to burial.[18] This statement both lends credibility to the East Timorese account and tends to strengthen the possibility that the official death toll reflects only those victims who could be identified before burial.

Asia Watch has been unable to verify reports of subsequent killings by Indonesian troops in the first two weeks after the massacre. There were widespread reports of executions of witnesses to the massacres on November 15, 17 and 18 and thereafter into early December. One source says that 40 people were taken by soldiers from battalions 700 and 744 from the place where they were detained and shot at Alto de Comorro, a flat, dry riverbed area some nine miles west of Dili. The source, however, did not witness the killings and has no names of those allegedly killed. Another report, also unconfirmed, said that seven people were shot dead on November 18 in Dili, including Maria Castro, 35; Maria Fatima, 19; Gaspar, a one-year-old child; Joao Soares, 4; Terezita, 16; Ines de Silva Soares, 30; and Liberto Mendes, 17. Yet another killing of 10 people was reported on November 18. These reports and others remain unconfirmed, but they appear to be widely believed in Dili, contributing to the atmosphere of fear. It is imperative that an independent investigation, not linked in any way to the Indonesian government or military, which includes experienced forensic specialists, be sent to East Timor

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[17] Associated Press, November 21, 1991

[18] *Jawa Pos*, November 16, 1991

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to investigate allegations of executions, to excavate reported mass gravesites and to conduct exhumations as necessary.

8. Investigations

On November 14, following a cabinet-level meeting led by Coordinating Minister for Politics and Security Admiral Sudomo, it was announced that a military team led by Maj.Gen. Arie Sudewo, deputy director of the intelligence agency, BAIS, would undertake an investigation. Sudomo promised the results would be made public, and there was no need to convey them via the United Nations or any other international body because the incident was an internal affair.[19]

When it was clear that a military investigation would not be enough to satisfy international demands for an impartial inquiry into the killings, President Suharto on November 18 ordered the establishment of another investigating team through Presidential Decree No.53/1991 on the Formation of a National Commission of Inquiry into the November 12 Incident in East Timor. Supreme Court Justice M. Djaelani, a former military judge, was appointed to head the panel. Other members are Drs. Ben Mang Reng Say, vice-chairman of the Supreme Advisory Council (Dewan Pertimbangan Agung); Clementino Dos Reis Amaral, a member of the national parliament from East Timor; Harisugiman, Director General for Social and Political Affairs of the Ministry of the Interior; Hadi Wayarabi, Director of International Organiations in the Ministry of Foreign Affairs; Anton Suyata, SH, Inspector in the Ministry of Justice and Rear Admiral Sumitro, Armed Forces Inspector General. No time limit was set for the completion of the investigation, but Judge Jaelani assured reporters that the commission's conclusions would be made public. All members of the commission were wholly identified with the government; by no stretch of the imagination could they be called independent. The team arrived in Dili on Saturday, November 29, but East Timorese were reportedly fearful of coming forward to give information.

9. Domestic Reaction

There was a striking contrast in reactions to the killings between Indonesian officials and non-governmental bodies in Indonesia on the one hand, and between officials in Jakarta and the governor of East Timor, Mario Carrascalao, on the other.

In an extraordinary interview published in the daily *Kompas* on November 16 (extraordinary for the honesty of the feelings as well as the fact that *Kompas* published the interview at all), Carrascalao, said,

> Maybe it was our fault. Those who are against us were in fact able to touch the hearts of many people -- this is the crux of the problem...If before people slept with knives to protect themselves from those working against us, now they defend themselves against us...
>
> We need a special approach now, because the Timorese value justice so highly.

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[19] *Kompas*, November 18, 1991

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> All guilty parties must be disciplined...People must see that we are being just and honest, the guilty must be called guilty, the innocent innocent. Anyone who has done wrong, anyone, must be punished. We cannot any longer play God...We must be courageous to face the mistakes we have made and honest enough to admit our faults, so that we keep the trust of the people.
>
> The [military] preparations prior to the Portuguese visit cancelled out any positive inroads the army might have made before then. In the last two or three months, people in the cities have felt unhappy, so much so that a strange thing happened. As the Portuguese visit approached, the people were no longer afraid of Fretilin; they were afraid of us. We have to understand why, and find the proper medicine to cure it.
>
> We must be honest and fair in facing this situation; we must ask the forgiveness of innocent families. We won't ask the pardon of GPK [Fretilin] because they are our enemies. But to their families, who are innocent, who unwittingly became victims, we must beg their forgiveness.[20]

Carrascalao offered to resign if he is unsatisfied with the findings of the National Commission. His honesty and frankness, which led to his being called in for nine hours of discussions with General Try Sutrisno on November 20,[21] stand in stark contrast to the belligerent tone taken by Indonesian officials in Jakarta. The government spin on events of November 12 had three points: the demonstrators were responsible for the incident, there were no fundamental problems in East Timor, and the foreign journalists present in Dili at the time were there illegally and interested only in propaganda. Officials distorted basic information to further the propagation of that version of events. Thus, the head of information for the Ninth Regional Command (Kodam IX/Udayana), Lt.Col. Anton Tompodung, told reports, "They started it. One hundred GPK came down from the jungle with arms, including G-3s, knives and so on. They began to oppose the military. The army tried persuasive methods such as urging them to surrender. But they responded with shots and throwing grenades. After seeing their own comrades fall, security forces were forced to respond with guns, killing dozens of GPK."[22] Just as the word *peristiwa* or "incident" became the operative government term instead of "massacre" to describe November 12, the adjective quickly adopted by all official spokesmen to describe the demonstrators became brutal. The army seemed more out for vengeance than for finding out the truth; Reuters quoted Major Sintong Panjaitan as warning that now in East Timor, the army's "Operation Smile" would be replaced by "Operation Combat".

Rather than acknowledging, as Carrascalao did, that actions of the Indonesian government and military might have caused the problem, the official reaction was stout defense of past and present policies. According to Minister of the Interior Rudini, for example, it was wrong to say that the November 12 incident was caused by enmity between ABRI (the armed

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[20] *Kompas*, November 16, 1991

[21] *Jawa Pos*, November 21, 1991

[22] *Berita Buana*, November 14, 1991.

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forces) and the people, because the army was very close to the people.[23] Lessons drawn from the incident by members of the Indonesian parliament such as Imron Rosyadi or Clementino dos Reis Amaral, a pro-Indonesia deputy from East Timor, were that the Indonesians had failed to give sufficient "guidance" to the East Timorese or that those involved in the demonstration were too young to understand how far East Timor had progressed under Indonesian rule.[24]

Finally, the government lashed out at the foreign press, and the lashing became harsher as time went on. Initially, the reaction was just a distinct lack of sympathy -- if they got hurt, it was their own fault, since they never should have been posing as journalists on tourist visas. Gradually the criticism became much more pointed. The videotape shown on Yorkshire television constituted propaganda, said General Try, filmed to fit a scenario that had already been sketched out.[25] Moreover, the five foreign journalists present in Dili on November 12 made the whole incident suspicious. "It's not impossible that they themselves were involved or used by anti-Indonesian elements to spread tendentious stories and sway world opinion for political reasons."[26]

But outside the government, the enormity of what happened in East Timor registered with Indonesian individuals and organizations in a way that no incident in the territory had since the invasion in 1975. The Legal Aid Institute in Jakarta, the country's largest human rights organization, began issuing a series of press statements, demanding an investigation, and sent a staff member to investigate. The moderate opposition group, the Petition of 50, criticized the behavior of government troops and noted the similarity between what had happened in East Timor in November with what happened at Jakarta's port area of Tanjung Priok in September 1984 when army troops opened fire on a Muslim demonstration, with an official death toll of 30 and unofficial estimates far higher. (No investigation was ever conducted into those killings, and members of the Petition of 50 group who called for one were prosecuted on subversion charges.)

The Indonesian Catholic Bishops' Conference of Indonesia issued a short statement on November 14 that it was going to study the situation in Dili but then almost immediately sent two separate delegations there to talk with members of the Church and others. The Bishop's Conference, known by its Indonesian acronym KWI, has been by and large a conservative voice in Indonesia; it is all the more important, then, that it produced such a strong statement following the two visits. The statement of November 28 noted that the data obtained by its delegates was far different than the official data:

> For example, many families do not know whether their husbands, brothers or children are alive or dead because many people are still being treated in the military hospital and they are not allowed to receive any visits. No one knows where the graves of those who died are. Some say that the treatment of the

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[23] *Jawa Pos*, November 21, 1991

[24] *Angkatan Bersenjata*, November 14, 1991

[25] *Berita Buana*, November 28, 1991.

[26] *Jayakarta*, November 28, 1991.

corpses taken away by trucks was inhumane in the extreme -- they were just picked up and thrown into the back of the trucks. Families were not told when the burials took place. Nor is it known whether the burials were accompanied by any religious ceremony. As for the number who died, some say three truckloads, some say more than 100 people. The identities of those who died is not known; it is thought some were Fretilin, some were provocateurs, and some were the faithful who came on the basis of the radio announcement aired beforehand. Many people ask why the armed forces open fire, with so many casualties, when the shooting took place at the Santa Cruz cemetery, far from the place where the two soldiers were stabbed. If in fact the purpose was to defend themselves, was it necessary that the death toll be so high?[27]

Indonesian university students from all over Java attending a meeting of student senates at Parahiangan University in Bandung on November 20-21 also issued a statement condemning the killings, urging that the National Commission of Inquiry be dissolved because of its lack of independence, and demanding the release of the East Timorese students detained during a protest march in Jakarta on November 20 (see below.) The student statement also called for the imposition of an arms embargo against Indonesia and possibly economic sanctions as well.[28]

10. Demonstrations and Arrests

Consistent with the government effort to blame the demonstrators, security forces proceeded to arrest East Timorese outside East Timor who protested the November 12 killings. Seventy East Timorese students were arrested on November 19 after a march in Jakarta. The students, from universities all over Java and Bali, had gathered at about 10:30 a.m. in front of a United Nations building in central Jakarta, and marched passed the embassies of the Soviet Union, Japan, Britain and Australia, under the watchful eyes of security forces.

They carried banners, some of them with slogans such as THE MASS MURDER ON NOVEMBER 12 WAS ONLY A SMALL PART OF THE MASS MURDER CARRIED OUT FOR THE LAST 16 YEARS; INDEPENDENCE IS THE RIGHT OF ALL PEOPLES, WHERE ARE OUR RIGHTS?; BETTER DEATH THAN INTEGRATION; and WHERE ARE THE CORPSES?

Shortly after noon, in front of the Hotel Indonesia, security forces broke up the demonstration with force, loaded the demonstrators on to a truck and took them away.

The Indonesian government initially denied that anyone was detained. It was not until November 27, over a week later, that the government acknowledged the detentions, releasing 49 and keeping 21 others in custody. They were expected to be charged under Article 154 and 155 of the Criminal Code, spreading feelings of hatred or enmity toward the government, which carries a maximum penalty of seven years. The names of the 21 are listed in Appendix 3; as of

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[27] Konperensi Waligereja Indonesia, "Pernyataan KWI Ke II Tentang Peristiwa Timor Timur", Jakarta, November 28, 1991. Signed by Mgr. J. Darmaatmadja, SJ and Mgr. M.D. Situmorang, OFMCap.

[28] Communications Forum of Student Senates throughout Java, "Statement of Attitudes" Bandung, November 23, 1991.

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early December,they were still detained at the Metropolitan Jakarta Police Station on Thamrin Avenue in Jakarta and had not been allowed access to counsel or family. Police said they were being "intensively interrogated" -- a phrase which can often indicate physical abuse or torture.

The youth suspected of being one of the leaders of the demonstration, Joao Freitas Camaro, was being kept in isolation from the others. According to the Legal Institute Foundation, he had not had a change of clothes or soap since he was arrested, and no one had been able to go into his house to get additional clothing for him as security forces had prevented anyone from entering it.

In addition to those arrested in the November 19 demonstration, two leading human rights activists in Jakarta were called in for interrogation on charges of having helped organize it. H.J.C. Princen, director of the Institute for the Defense of Human Rights, and Indro Tjahjono of the organization called INFIGHT, were "invited" for eight hours of questioning by the internal security apparatus, BAKORSTANAS, on November 20 and for several days thereafter, although they were allowed to return home each night. The questioning initially focused on the role of the two men in the demonstration but shifted to an examination of the full range of their human rights activities. Indro Tjahjono was asked about transcripts of telephone conversations he had had from the INFIGHT office, clearly indicating that all calls in and out had been monitored.

Government actions in arresting the 70 East Timorese marchers on November 19 were put in perspective by the treatment accorded several pro-government demonstrations in subsequent days. Some 50-60 members of the Indonesian National Youth Organization (KNPI) held gathered in front of the Australian embassy on November 20, carrying posters protesting anti-Indonesia demonstrations in front of the Indonesian embassy in Canberra. And on November 22, a government-organized crowd variously estimated at 80 and 200, representing different youth organizations, marched in front of the Australian embassy. No one in these demonstrations was arrested or in any way harassed.

East Timorese students were also arrested in Bali. One of them was Fernando Araujo. About 7:00 on Sunday morning, November 24, one of his housemates opened the door to leave for church, and military intelligence agents in civilian clothes rushed in. Four students living in the house and two friends were arrested and taken away in four vans by some 30 men, according to one account. The agents searched the house and confiscated Fernando's diary, notes, photo albums and some videotapes. Four of the six, Fernando Araujo, Clemente Soares, Antonio Martus and Domingus Bossa were still in incommunicado detention as of early December; Jose Paulo and Joaquin de Costa were released after questioning. All were reportedly asked to sign statements that they do not support Fretilin. The four still in custody are apparently suspected of anti-government activities and may be charged under the same Article 154 as the students in Jakarta. Some 270 East Timorese are studying in Bali, most of them strong nationalists.

Arrests of East Timorese also took place in Yogyakarta.

11. International Reaction

The international reaction to the Dili massacre was one of outrage over the killings and

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concern for the East Timorese, but with a few exceptions, governments and governmental organizations by mid-December had not backed up their anger with concrete measures.

The United Nations

Outgoing UN Secretary General Javier Perez de Cuellar quickly issued a statement regretting the loss of life and said he had asked for a report from Pieter Kooijmans, the Special Rapporteur appointed by the UN Human Rights Commission who was in Dili when the killings occurred. On November 30, Perez de Cuellar told journalists in Portugal that he was sending a special envoy to "negotiate conditions for a UN mission to visit East Timor," according to a November 30 report from Reuters. Amos Wako, the Kenyan Attorney-General who is concurrently the Special Rapporteur on Summary and Arbitrary Executions, was initially designated as the envoy, but previous commitments on Wako's part, and obstacles reportedly raised by the Indonesian military, had by mid-December delayed this "mission to negotiate a mission."

The European Community

Foreign ministers of the EC, meeting in the Netherlands, issued a statement condemning the killings on November 13, the same day the news reached Europe. In Brussels, the European Parliament on November 21 adopted a resolution by a vote of 167 for, seven against and four abstentions, condemning the "brutal murder of theses latest victims of Indonesia's illegal occupation of East Timor", urging prosecution of those resonsible, and asking for the release of all those detained for non-violent political activity and that they be granted full access to lawyers, family and doctors while in detention. The resolution, which is not binding on governments, also called for the EC and the United Nations to declare an embargo on the sales of weapons to Indonesia and for a review of cooperation agreements between Indonesia on the one hand, and the EC and member states on the other.

On November 25, the Parliamentary Assembly of the Council of Europe passed Order No.470, demanding that the Indonesian government "withdraw the armed forces from the territory of East Timor so that the governing authority can fulfil the mandate recognised by the United Nations and create the political conditions necessary for the free exercise of the right to self-determination." The Council order supported the call for a "detailed, impartial and internationally supervised inquiry" into the killings and called for an arms embargo to Indonesia and suspension of all military support for Indonesia."

On December 2, at an informal meeting of the EC foreign ministers in Brussels, the ministers issued a declaration calling for a "thorough and credible investigation by impartial and independent experts" and said the review of economic cooperation urged by the European Parliament would take place. They also reiterated their support for a "just, comprehensive and internationally acceptable settlement of the East Timor issue."[29] Such a review would be in line with a policy adopted on November 28 to link economic aid to the human rights situation in countries receiving that aid.

Bilateral European actions

Strong protests came from most West European capitals. The Netherlands on November

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[29] *Reuters*, December 3, 1991.

21 decided to postpone all new development assistance in the strongest unilateral action taken by any country to date. Foreign Minister Hans van den Broek said he would consider asking the UN to conduct an international investigation into the killings.[30] Sweden, Norway and Denmark made official protests via the Indonesian ambassadors in their respective countries and had their own ambassadors in Jakarta deliver the same message to Indonesian officials on November 25. Portuguese President Mario Soares strongly denounced the killings on November 12 and as of mid-December was continuing to press the EC to send an independent investigating mission to East Timor. The British government was more cautious, saying it would look into how humanitarian aid might be provided for the East Timorese people but that any arms embargo "would be neither appropriate nor effective."[31]

Japan

Japan, in an unprecedented move, sent two diplomats from the embassy in Jakarta to East Timor on November 14 to "get the facts straight." They returned on November 21 saying their visit was "inconclusive," and that it was unclear who provoked the massacre. However, a government spokesman suggested that Japan, too, might link its huge aid program to Indonesia to the results of the government-appointed National Commission of Inquiry. Japan is Indonesia's largest donor, having given some $867 million in Official Development Assistance in 1990.[32]

The United States

The State Department called the Indonesian ambassador, Abdul Rachman Ramly, in to express deep concern over the killings and sent a team to Dili on November 15 which included the Washington-based desk officer for Indonesia in the State Department as well as embassy officials in Jakarta. The team returned on November 17, having concluded that the death toll was closer to the 75-100 range than to the 19 claimed by the Indonesian government.

On November 18, five leading members of the House of Representatives' Foreign Affairs Committee[33] sent a letter to Ambassador Ramly, expressing concern about the "excessive, indiscriminate and highly disproportionate" use of lethal force by the Indonesian military both on November 12 and on October 28. The letter applauded the appointment of a "non-military investigating commission" and called for the prosecution of those responsible and the release of those arrested for participating in the November 12 demonstration.

Resolutions condemning the killings passed both houses of Congress. The Senate version, Concurrent Resolution 77 passed on November 21, called for a reassessment of a military training program known as IMET or International Military Education and Training to "ensure

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[30] *Agence France Presse*, November 21, 1991

[31] *Reuters*, November 12, 1991

[32] *Kyodo News Service*, December 3, 1991

[33] Gus Yatron, chairman of the Subcommittee on Human Rights and International Organizations; Dante Fascell, chairman of the Committee on Foreign Affairs; Stephen Solarz, chairman of the Subcommittee on Asian and Pacific Affairs; Doug Bereuter, ranking Republican on the Subcommittee on Human Rights and International Organizations, and Jim Leach, ranking Republic on the Subcommittee on Asian and Pacific Affairs.

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that these training programs are advancing effectively human rights." The $1.9 million program under the Foreign Assistance Act is used for training senior Indonesian military officers. The Senate also called for the US to seek a resolution in the United Nations General Assembly instructing the UN Commission on Human Rights to appoint a Special Rapporteur on East Timor "to assist in the resolution of the East Timorese conflict in pursuit of the right of self-determination by the East Timorese people." The House version, Concurrent Resolution 240, passed on November 23, called for the provision of IMET to be "contingent on the government of Indonesia conducting a thorough and impartial investigation" of the killings. Both versions call on the US to work with the UN, Indonesia and Portugal to "develop policies to address the underlying causes of the conflict in East Timor." State Department spokesman Richard Boucher, however, said that IMET should be continued because it can "contribute to the professionalism of the military and expose it to democratic and humanitarian standards."[34]

On November 25, 51 US Senators joined Wyoming Senator Malcolm Wallop in writing a letter to President George Bush, urging the US government to take a stronger stand on East Timor, particularly in light of reports of continuing repression.

Canada

Canada's Secretary of State for External Affairs, Barbara McDougall, announced after the massacre that Canada's $52 million aid program would be reviewed.

Australia

Australian Prime Minister Bob Hawke strongly condemned the massacre and called for a full, genuine and open inquiry and the punishment of those responsible. In a policy shift, he threatened to review Indonesian-Australian relations of the Indonesian investigation did not address the concerns of the international community. Foreign Ministery Gareth Evans is going to Jakarta on December 19-20 with the specific brief of explaining Australia's concerns over any investigation. As well as calling for the establishment of a consulate in Dili, Hawke said that the Indonesians had to hold talks with the Timorese including the resistance, and that there should be United Nations involvement in the search for a resolution to the conflict.

Guinea-Bissau

The President of Guinea-Bissau announced on December 5 that he would speak out on East Timor during the Organization of the Islamic Conference summit meeting in Senegal beginning the following week.

12. Recommendations

1. All those countries which have expressed concern over the killings, including the United States, Australia, the European Community, Canada, Japan, the Nordic countries, Venezuela, Guinea Bissau, Cape Verde, Angola, Mozambique and others should join forces to press for a genuinely independent inquiry which would meet the standards set forth in the "Principles on the Effective Prevention and Investigation of Extra-Legal Arbitrary and Summary Executions"

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[34] State Department Briefing, November 14, 1991

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adopted in May 1989 by the United Nations Economic and Social Council. The investigation should be an international one and include trained, experienced specialists in forensic pathology and human rights investigations, as well as people who can speak Portuguese and Tetun.

2. To ensure that a proper, thorough investigation takes place, all suppliers of military aid and training to Indonesia should suspend that assistance until the results of the investigation are concluded; if the investigation concludes that particular military units were responsible, the assistance should remain suspended until all those in the military chain of command responsible for the killings are prosecuted.

3. The Indonesian government must acknowledge the inaccuracy of its first death toll and ensure that a list of all those killed, detained and receiving treatment in government hospitals is immediately compiled in a central registry to which families, lawyers and others can have access. When a final list of those killed is compiled, families of the dead should receive compensation.

4. All military units involved in the East Timor killings should be disarmed until the results of an international investigation are completed, and any soldiers or units found to be responsible for the shootings and subsequent abuses should be prosecuted to the fullest extent of the law. The commanders of those units should also be held accountable for the actions of those under their command.

5. All impediments to the work of ICRC should cease immediately, and ICRC staff should be given full and unhindered access to prisons, military hospitals and suspected places of detention on their own terms.

6. Concerned governments should send officials of their Jakarta embassies to Dili on a frequent and regular basis to ensure that the above recommendations are being carried out and that the violence and human rights abuses have ceased. A joint policy might be worked out so that there was a constant diplomatic presence in Dili for the next three months.

7. All persons detained after November 12 for participation in peaceful demonstrations to protest the killings, such as the East Timorese students arrested in Bali, Yogyakarta and Jakarta, should be immediately and unconditionally released.

9. Concerned governments, including the US, should work together at the Commission on Human Rights meeting in February 1992 in Geneva to support the appointment of a Special Rapporteur on East Timor.

APPENDIX 1:BISHOP BELO'S ACCOUNT OF THE 28 OCTOBER INCIDENT[35]

The following is an unabridged translation from Portuguese of Bishop Belo's statement:

Diocese of Dili
Diocesan Secretariat
Jl Governador Alves Aldeia 25
Dili, Timor Timur

OFFICIAL STATEMENT

As the public is aware, on the 28 October on the TVRI broadcast "DUNIA DALAM BERITA", the official news was given concerning the lamentable events of the early morning of 28 October 1991, within the Motael Church and surroundings, which, for the good of the Church and for the Timorese People, must not be repeated.

For the most part, the points made in this official communique, widely reproduced throughout the press (Angkatan Bersanjata, Kompas, Jawa Pos, Surya, Suara Java Timur...) seem to be attempting to make the ends justify the means.

In these terms, the following should be known:

1. Since November 1991, a group of youths took refuge in the premises of the Presbytery of Motael, on the basis of personal security.

2. Contacts were set up between the civil and military authorities and the Bishop Apostolic Administrator of Dili and the Parish Priest of Motael, to seek a solution for the situation of these youths.

3. The military authorities, especially, were determined that these young people should leave the Presbytery before the visit of the Portuguese Parliamentarians and the delegation of the United Nations.

4. In these last weeks, and most intensely in the week of 21-

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[35] Indonesia Publications/Task Force, courtesy of TAPOL, November 13, 1991

26 October, culminating in the attack in the early hours of 28 October, there was a notable presence in the area of individuals on motor-cycles keeping watch on the Presbytery, generally after the "dead hours" of the city.

5. In this official statement we call "dead hours" the time from midnight to four in the morning, when the city of Dili is practically without life. Normally, between these hours, there are only police, military, information agents of INTEL in the streets, with an occasional late member of the civilian population.

6. In the early hours of 28 October, a group of individuals on motor-cycles began to circle the perimeter of the Presbytery and the Church of Motael, shouting abuse. This time, from mere words they moved to action, throwing stones against the front of the Church and at the side known as "Taman Mini", and entering the grounds of the Church. Physical contact was inevitable (2 a.m.). Meanwhile, a number of individuals with pistols drawn began to advance, coming from the beach and entering the front door of the Church, where the young man, Sebastiao, was killed, riddled with bullets he was found dead some 18 metres from the door of the wall of the Church, on the verge of the other side of the road. The other victim, Afonso, was some 23 metres distant from the corpse of Sebastiao. Following the signs of blood on the road, a pool of blood was found some 57 metres from Afonso's body, killed by stabbings and wounded with a blunt instrument.

7. Later on in the morning (6 a.m.), the police proceeded to search the residence of the Parish priest, in adjacent property (the parish polyclinic, office and hall and the house of the parish domestic staff where the youths were gathered); the search inside the Church was only carried out after eight in the morning with the authorisation of the Bishop, who accompanied the policemen who were allowed to enter, in a number no more than four.

8. During these Searches were found anti-Indonesia pamphlets, Fretilin and Portuguese flags, as well as some objects (knives, sticks and iron bars) in the house of the domestic staff and outside of the parish offices, but not inside the Church as has been tendentiously broadcast. Within the Church three individuals were captured - two in a corner of the Church and one in the tower - who had taken refuge there in the midst of the confusion.

9. Finally, after the Bishop spoke to the people who had

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gathered after hearing the ringing of the Church bells (2 a.m.), everyone returned to their homes (9 a.m.) going in groups to different areas, the Bishop taking those who lived furthest away in his own car. Of those who stayed, fifteen persons were handed over to the police, who picked them up in a truck. The people handed over to the police were eighteen in total: the other three were accompanied by the Parish priest of Motael to the Police (POLRES), more than an hour earlier.

These are the facts that the Diocese believes should be made known to the public.

Dili, 2 November 1991

Diocese of Dili

Signed

Carlos Filipe Ximenes Belo SDB
Titular Bishop of Lorium
Apostolic Administrator of Dili

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APPENDIX 2: EXTRACT FROM FOREIGN MINISTRY REPORT

Excerpt from "Report on the Visit to Indonesia of Professor Pieter H. Kooijmans, Special Rapporteur on Questions Relevant to Torture, UN Commission on Human Rights

INCIDENT OF NOVEMBER 12

17. The incident broke out as members of the gruop were getting ready to go to a meeting with the commander (pangkolakopskam) about 7:30-8. A short round of gunfire could be heard by the group when they were still in the hotel Turismo, but there was no increased activity of security forces or security disturbances either around the group or in the city, and the meeting with the commander went as planned and encountered no hindrance whatsoever.

18. At lunch, about 12:30, the commander gave a short summary of what happened to Professor Kooijmans. But it seemed Kooijmans couldn't understand the translation clearly; over and over again he complained about the quality of the translation. Several times the Liaison Officers (consisting of members of the Foreign Ministry, Interior Ministry and BAIS, the intelligence agency) had to intervene to clear the atmosphere.

19. At the dinner program at the official residence of the Governor, Kooijmans got a short summary of the incident from Governor Carrascalao.

20. Based on the information that could be compiled about the incident, the chronology unfolded as follows:

a. about 5:30, waves of youths could be seen heading toward the Motael Church, Dili to attend a memorial mass for the two victims of the October 28 incident, some walking, some using public vehicles.

b. To prevent any unwanted occurrence from taking place, security forces stepped up their city patrols, particularly around the Motael Church at the top, and in certain positions army units were placed to prevent the possibility of a mass action which it was thought might head toward the Hotel Turismo where Kooijmans was staying.

c. At 7 am, the mass in the Motael Church finished and a large proportion of the participants in the mass, especially youths totalling about 1,500 people poured out into the streets and lined up carrying banners, Fretilin flags and cloths with the portrait of Xanana Gusmao and the Vatican flag.

d. When the demonstrators reached the KODIM 1617 (Dili District Command of the military) around 7.15, they changed direction to evade security forces who were preventing the movement from reaching the Hotel Turismo. At that point, the mob began to show its brutality by throwing stones at people who stood along the road and at nearby buildings.

e. At 7.20, the crowd attacked two security officers, Major Gerhan Lantara (Deputy Commander

of Battalion 700) and Private 2nd Class Dominggus. They received stab wounds that were quite bad in the chest, head and arm.

f. At 7.25, security forces received information that about 2,000 people were gathered at the Santa Cruz cemetery. To prevent them from gathering strength, security forces sent one platoon of Brimob (mobile brigade police.)

g. At 7.40, the Brimob unit arrived at the Santa Cruz graveyard to act as a barricade for the people advancing from the Motael Church. But they still moved forward, shouting and pushing until in order t avoid a confrontation, the forces had to give way. The result was that the two massed mobs were able to join forces in the Santa Cruz graveyard.

h. At about 7.50, the masses in the Santa Cruz cemetery reached 3,500, and were becoming more brutal. To prevent the action from spilling over into other areas, the security forces added two more companies, from Infantry Battalion 303 and Infantry Battalion 744. Seeing the arrival of these additional forces, some of the group who were in the cemetery complex tried to run outside, where they ran into the security forces.

i. At 8.10 in the middle of the confusion, a shot was heard from a source that could not be determined together with movements and shouts to advance and attack and grab the guns of security forces. A grenade was thrown in the direction of the troops but it didn't explode. Because the situation was getting out of hand, the seucirty forces were forced to fire warning shots in the air but it didn't restrain the mob, they kept moving forward. Facing this critical situation and with the goal of defending themselves, the troops were forced to fire on the crowd. The result was that a number of victims fell and the final death toll was 20 dead including one New Zealand citizen of Malaysian origin and 91 wounded, including a tourist from the United States and 41 arrested.

j. At 9.00 the situation in Dili was under control and after an investigation in the Santa Cruz cemetery, security forces found 1 G-3 rifle, 1 Mauser, 1 FN pistol and four hand grenades.

k. to determine the main perpetrators, a preliminary investigation was conducted and the suspects were turned over to the police for further investigation..

CONCLUSIONS

21. The vist of the team of Professor Pieter Kooijmans was successfully carried out in accordance with his request

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26. With regard to the November 12 incident and the facts compiled, we can draw the following conclusions:

a. The GPK [acronym for security disturbers, a euphemism for Fretilin--tr] had planned this incident for the visit of the Portuguese Parliamentarians. The postponing of the visit caused great frustration among the GPK so they were searching around for another target, including the team of Kooijmans.

b. The GPK groups took advantage of religious activities as a tool for gathering crowds together who in fact for the most part were ordinary citizens who were not guilty. The issues used by the GPK to heat up feelings of the people were:

--Islamicization
--Economic disparities between the local people and the newcomers
--harassment/arrests/unjust treatment by soldiers of the local people

c. In truth, the incident happened as a result of provocation by the demonstrators in wounding the members of the armed forces who were on duty, causing victims from their side. The warnings given by security forces were not obeyed, rather the GPK responded with shots and throwing a hand grenade. The threat posed to the safety of the security forces pushed them into take the necessary steps, in accordance with established procedures.

d. the fact that foreigners were among the victims was by and large their own fault. Tourist visas are often used by them to enter Timor whereas in fact they aren't ordinary tourists but foreign journalists who are trying to carry out their tasks surreptitiously. Surveillance of "foreign tourists" in Eats Timor must henceforth be tighter and if it is proven that they are not ordinary tourists, they should be prevented from enetering the territory (wilayah) of East timor.

e. the fact that ordinary people fell victim was in fact desired by the GPK with the hope that this would diminish sympathy among the people for the government of Indonseia, especially the armed forces, so as to keep the East timor issue alive.

27. Recently the city of Dili has been used frequently by the GPK as a focus for their anti-government activities, to the point that it can be said the GPK has changed its guerrilla strategy from the hills to the city, making GPK elements more difficult to detect. Most of their members are now intersperesed among inhabitants of Dili which has a population of about 200,000. The change in strategy is the consquence of their setbacks suffered from militlary and territorial operations launched by the armed forces working together with the people.

28. There is a tendency for the GPK to take advantage of visits by foreign guests to create insecurity in the city and give the impression that they have the support of the people.

29. Based on the above, we suggested that each visit of a foreign visitor to East Timor be carefully considered and undertaken selectively to prevent these visits from being used by elements of the GPK to discredit the government both domestically and abroad.

30. Visits should be handled by an interdepartmental team and visitors should be accompanied by officials from each agency involved who are given the authority to take steps/decisions on the spot if the situation requires.

31. With respect to the report of the team, Prof. Kooijmans said that the problems behind the outbreak of the November 12 incident would not be mentioned because it was not within the mandate of the team he led to do so. But given the fact that he was there when the incident happened and there have already been several arrests, Kooijmans will mention the incident in general terms and exhort the government of Indonesia to investigate, respecting the human rights of the suspects in accordance with domestic law.

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APPENDIX 3: EAST TIMORESE STUDENTS ARRESTED AFTER NOVEMBER 19

Those still detained are as follows:

STUDENT	UNIVERSITY
1. Joao Freitas Camara	unknown
2. Benevides C. Barrol	Satya Wacana, Salatiga
3. Domingos Barreto	Atmajaya, Jakarta
4. Metodio Muniz	Diponegoro, Semarang
5. Francisco Vasco Ramos	Atmajaya, Jakarta
6. Joselius De Oliveira	API, Yogyakarta
7. Sergio Dias Q	Atmajaya, Jakarta
8. Judio da Costa	IKIP Santa Dharma,Yogyakarta
9. Antonio Lopez	IPI, Malang
10. Virgilio	Nat'l Inst. of Technology, Malang
11. Antonio Soares	Malang
12. Felipe da Silva	Ikopin, Bandung
13. Joao Sarmento	Polytechnic, ITB, Bandung
14. Fausto Berhading	IKOPIN, Bandung
15. Joao Travolta	Udayana, Den Pasar
16. Agapito C.	Udayana, Den Pasar
17. Gregorio de Araujo	LPPU, ITB, Bandung
18. Jose Maria Belo	Polytechnic, ITB, Bandung
19. Avelino Maria	Satya Gama, Jakarta
20. Mario Canecas	Surabaya
21. Egas Q. Monteiro	Surabaya

As all 21 were arrested for peacefully exercising their rights to freedom of expression and freedom of assembly, Asia Watch calls on the Indonesian government to release them immediately and unconditionally. It also notes that the Indonesian government has violated domestic and international law by preventing them from having access to counsel and family.

* * * *

For More Information
Sidney Jones (212) 972-8400

Asia Watch was founded in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg and the Vice Chairs are Harriet Rabb and Orville Schell. The Executive Director is Sidney Jones and the Washington Director is Mike Jendrzejczyk.

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